

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Findings on Petitions and Initiation of Status Reviews

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and status review.

SUMMARY: The Service announces 90-day findings for seven petitions and 12-month findings for five petitions to amend the Lists of Endangered and Threatened Wildlife and Plants. A status review is initiated for the Nile crocodile for possible reclassification from endangered to threatened.

DATES: The findings announced in this notice were made during the period from June 12, 1986, to September 25, 1986. Comments and information may be submitted until further notice.

ADDRESSES: Information, comments, or questions should be submitted to the Assistant Director—Fish and Wildlife Enhancement (OES), U.S. Fish and Wildlife Service, Washington, DC 20240. The petitions, findings, supporting data,

and comments are available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Marvin E. Moriarty, Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-2771 or FTS 235-2771).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the *Federal Register*. If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species.

Section 4(b)(3)(B) of the Act, as amended, requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information, a finding be made within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted, but precluded from immediate proposal by other pending proposals. Section 4(b)(3)(C) requires that petitions for which the action requested is found to be warranted but precluded should be treated as though resubmitted on the date of such finding, i.e. requiring a subsequent finding to be made within 12 months. Such 12-month findings are to be published promptly in the *Federal Register*. The most recent announcement of miscellaneous petition findings was published on August 20, 1986 (51 FR 29671), and included findings made by April 16, 1986. Subsequent petition findings are announced below.

In recent months the Service has received and made 90-day findings on the following petitions:

Dr. Thomas O. Lemke submitted two petitions, both dated February 24, 1986, and both received by the Service on March 4, 1986. One of the petitions requested determination of endangered status for those populations of Marianas fruit bats (*Pteropus mariannus mariannus* and *P. m. paganensis*) that

occur in the Commonwealth of the Northern Mariana Islands. The other petition requested determination of endangered status for the Mariana sheath-tailed bat (*Emballonura semicaudata rotensis*). Both petitions contain detailed documentation that suggests the involved bats have declined drastically in numbers and are jeopardized by a variety of severe problems. The Service found that both petitions did present substantial information indicating that the requested actions may be warranted. In the case of positive findings, the Service is required to initiate status reviews of the involved species. However, status reviews of the bats covered by the subject petitions are already in progress, as those bats were included in the Service's Review of Vertebrate Wildlife in the *Federal Register* of September 18, 1985 (50 FR 37958-37967).

Mr. Tom R. Johnson, representing the Missouri Department of Conservation, submitted a petition to determine threatened status for the Oklahoma salamander, *Eurycea tynerensis*. This petition was dated March 10, 1986, and was received by the Service on March 19, 1986. This salamander occurs in the tri-state region of Arkansas, Missouri, and Oklahoma. The petition contained documentation indicating that this salamander has been severely affected by habitat loss associated with pollution and cattle grazing. All information presently available to the Service tends to confirm that claim. The Service therefore found that this petition did present substantial information indicating that the requested action may be warranted. Additional information is needed, especially regarding certain parts of the species' range, before proper status determination can be made. A status review of the Oklahoma salamander is already in progress, as it was included in the Service's Review of Vertebrate Wildlife in the *Federal Register* of September 18, 1985 (50 FR 37958-37967). The Service seeks additional information concerning this species.

Mr. Richard M. Parsons, representing the Safari Club International, submitted a petition to reclassify the Nile crocodile (*Crocodylus niloticus*) from endangered to threatened. The petition also requested the Service to adopt a special rule regulating the importation of sport-hunted trophies. This petition was dated March 18, 1986, and was received by the Service on March 20, 1986. The petition contained documentation suggesting that the Nile crocodile is no longer in danger of extinction. This status is reflected by the transfer of the Nile crocodile in nine African nations from

Appendix I to Appendix II (allowing some regulated trade) by the parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in 1985. The Service found that this petition did present substantial information indicating that the requested action may be warranted. In the case of positive findings, status reviews of the involved species are required.

Therefore, the Service hereby initiates a review of the status of the Nile crocodile throughout its range.

A petition from Mr. Thomas P. Kohanski of Vallejo, California requested delisting of the bald eagle (*Haliaeetus leucocephalus*). The petition, dated April 7, 1986, and received on April 10, 1986, included a brief summary of information that the petitioner cited in support of a delisting action. The Service considers all available data when determining if substantial information exists to suggest the petitioned action may be warranted. The Service completed a 5-year review of this species, as required by the Act, in the summer of 1984. At that time, all the recognized experts on this species were contacted for their views on the status of the bald eagle. Virtually all agreed that the bird has made very substantial improvements since the early 1970's. However, because of the eagle's relatively low reproductive rate and the required time for young birds to mature and enter the breeding population, the consensus was that the eagle is presently properly classified. Since 1984, no new body of data has been presented to the Service to suggest that reclassification of the eagle is now warranted.

There is agreement nearly everywhere that the eagle is not only recovering, but that it could possibly reach at least the "threatened" level nationwide in a few years. The threshold for recovery is explicitly described and quantitatively defined as goals and objectives in the five regional Bald Eagle Recovery Plans (Northern States, Pacific, Chesapeake Bay, Southeast, and Southwest), which were prepared by the Service. None of the bald eagle populations have reached the recovery goals and objectives for delisting in any of the five recovery regions. As the recovery goals and objectives for each plan have been defined by Service-appointed recovery teams of experienced eagle biologists, they are believed to be accurate and reasonable assessments of regional recovery levels. The Service believes that delisting of the bald eagle is not warranted until these goals and objectives have been met. The Service

found, therefore, that no substantial data are available to conclude that delisting the bald eagle may be warranted at this time.

Mr. Ken Ruhnke, of Fort Worth, Texas, requested addition of the woodland vole (*Microtus pinetorum*) to the List of Endangered and Threatened Wildlife. His petition is dated April 19, 1986, and was received by the Service on April 23, 1986. This species occurs over almost the entire eastern half of the United States. The petition, however, contained detailed information only on one site of occurrence, in Iowa, and indicated that the possible construction of a lake would destroy this site. The Service found that this petition failed to present substantial information indicating that the requested action may be warranted.

Representatives of nine conservation-oriented organizations signed a petition that requested the Service to list the western yellow-billed cuckoo, *Coccyzus americanus occidentalis* in California, Washington, Oregon, Idaho, and Nevada as an endangered species. It was dated May 15, 1986, and was received by the Service on May 20, 1986. The Service considers the entire subspecies throughout its range as a candidate species for listing (in category 2, comprising species for which listing is possibly appropriate but for which conclusive data are not available to support a proposed rule). Difficulties exist in defining separate biologically defensible populations of this subspecies for possible listing, and gaps remain in our knowledge of its status in certain portions of its range. The petition presented evidence that the species is in trouble in the States listed above. Efforts are underway, however, especially in Arizona, western New Mexico, and southern Utah to gather additional status information. On the basis of the best scientific and commercial information available the Service found that the petition did present substantial information indicating that the requested action may be warranted.

In the last few months the Service has made one-year findings for the following two petitions:

In a petition dated May 3, 1985, and received May 7, 1985, the U.S.D.A. Forest Service petitioned the Fish and Wildlife Service to delist the plant *Agave arizonica*, on the grounds that it is a hybrid and therefore not eligible for protection under the Endangered Species Act. An administrative finding that substantial information exists indicating that the action requested may be warranted was made on August 7, 1985. The finding and a status review of this species were announced in the

Federal Register on May 2, 1986 (51 FR 16363). The Service initiated a peer review of all available data concerning this plant, which included two unpublished reports: "Agave arizonica Status Report Supplement" by R. Fletcher (1985) and "Natural Distribution and Status of Agave arizonica in Arizona" by R. Delamater (1984), and a published work by Donald J. Pinkava and Mark A. Baker: "Chromosome and Hybridization Studies of Agaves." The Service contacted 15 plant taxonomists and Agave experts and requested that they review the available data and provide the Service with their assessment of the taxonomic status of *Agave arizonica*.

After careful assessment of the data available and the response to the peer review, the Service decided the current information is not conclusive. The Service will support an in-depth study of the taxonomic questions that exist. The Desert Botanical Garden in Phoenix, Arizona, will conduct additional chromosome, pollen stainability, and cross-breeding studies to determine the appropriate taxonomic rank of *Agave arizonica*. If it is confirmed to be a hybrid, the Service will proceed immediately to delist it. The action requested by this petition is considered not warranted at this time on the basis of the best scientific and commercial information available.

A one-year finding was also required on a petition from Mr. Bruce S. Manheim, Jr., of the Environmental Defense Fund. This petition was dated May 21, 1985, and was received by the Service on May 28, 1985. It requested listing of two moth species, *Eucosma hennei* and *Lorita abornana*, as endangered species. An administrative finding that substantial information exists indicating that the action requested may be warranted was made on August 7, 1985. The finding and a status review of *Lorita abornana* were announced in the **Federal Register** on May 2, 1986 (51 FR 16363). Both moth species are presently known only from El Segundo Sand Dunes in Los Angeles County, California, and have been found in portions of the dunes included in planning for development by the City of Los Angeles. Department of Airports. Review of the best available information indicates that listing is warranted. However, additional information is needed before the species are given high priority for listing, and status survey work is planned for the coming fiscal year. The action requested by this petition is considered to be warranted on the basis of the best information available at this time.

The following three petitions required subsequent one-year findings to be made:

In a petition dated June 19, 1984, and received July 2, 1984, the Service was requested by Mr. Douglas H. Chadwick to extend the endangered status of the woodland caribou, *Rangifer tarandus caribou*, to populations that might be encountered in Montana. A 90-day finding that the petitioned action may be warranted was reported in the **Federal Register** for December 10, 1984, initiating a status review for this area/population. A 12-month finding was made on July 2, 1985, and reported in the **Federal Register** for January 1, 1986, that the petitioned action was warranted but precluded by other listing actions having higher priority. The finding included justification for maintaining a low priority for such listing until a more adequate basis for action could be developed. However, no satisfactory evidence that a listable population of woodland caribou actually exists in Montana has been forthcoming.

A status review of the woodland caribou in Montana was completed May 23, 1986. Although convincing evidence has been found of occasional caribou presence in Montana, Service biologists have concluded that (A) no recognizable resident population of this species exists in Montana, (B) transient animals in the state did not belong to the listed endangered Selkirk population of northern Idaho, and (C) recent occurrences of this species in Montana are most likely to represent southerly movements from a known caribou population usually found about 40 km to the northeast in British Columbia, where the species is considered a game animal and "common." The animals presumably have left the State by the same route they used to enter. On the basis of the best scientific and commercial information available, the action requested by this petition is considered to be not warranted.

In a petition dated July 23, 1984, and received July 24, 1984, the Service was requested by W. D. Sumlin, III and Christopher D. Nagano to list Barbara Anne's tiger beetle, *Cicindela politula barbaraannae*, and the Guadalupe Mountains tiger beetle, *Cicindela politula* ssp., of Texas, as endangered. The petition was accepted as an action that may be warranted, with a 90-day finding made on October 17, 1984, and reported in the **Federal Register** for December 12, 1984 (49 FR 49118). A 12-month finding was made July 26, 1985, and reported in the **Federal Register** for January 9, 1986 (51 FR 996), that the petitioned action was warranted but

precluded by other listing actions having higher priority. Additional status work for these two species was conducted during summer 1986. The best scientific and commercial information available supports a continuation of the original 12-month finding for this petition, that the requested action is warranted for both species, but precluded by work on other species having higher priority for listing.

In a petition dated August 13, 1984, and received August 22, 1984, the Service was requested by the American Malacological Union to list the spiny river snail (*Io fluvialis*) as an endangered or threatened species. The spiny river snail is an aquatic species believed to have ranged once through much of the Tennessee River system, but it is now restricted to three tributary rivers, the Nolichucky River in Tennessee, the Clinch River in Virginia and Tennessee, and the Powell River in Virginia and Tennessee. An administrative finding that the action requested may be warranted was announced in a **Federal Register** notice published on April 2, 1985 (50 FR 13054). A 12-month finding that the action requested is warranted but precluded by pending proposals to add other species to the lists was announced in a **Federal Register** notice published on January 9, 1986 (51 FR 996).

The status of *Io fluvialis* has been monitored during the past year and no significant changes were apparent. The best scientific and commercial information available supports a continuation of the original 12-month finding for this species. The action requested by this petition is considered to be warranted according to the best information available, but precluded by work on other species having higher priority for listing.

Section 4(b)(3)(B)(iii) of the Act states that petitioned actions may be found to be warranted but precluded by other listing actions when it is also found that the Service is making expeditious progress in revising the lists. Expeditious progress in listing endangered and threatened species is being made, and is reported annually in the **Federal Register**. The most recent progress report was published on January 9, 1986 (51 FR 996).

The Service would appreciate any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the status of the Nile crocodile.

Author

This notice was prepared by Dr. George Drewry, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1975 or FTS 235-1975).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: November 28, 1986.

P. Daniel Smith,

Acting Secretary for Fish and Wildlife and Parks.

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for Two Florida Lizards

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine the sand skink (*Neoseps reynoldsi*) and the blue-tailed mole skink (*Eumeces egregius lividus*) to be threatened species, pursuant to the Endangered Species Act (Act) of 1973. Critical habitat is not being proposed. A special rule allowing take for certain purposes in accordance with Florida State laws and regulations is proposed. The sand skink is restricted to Marion, Orange, Lake, Polk, and Highlands Counties, Florida; and the blue-tailed mole skink is known only from Polk and Highland Counties. Both skinks are threatened by conversion of their habitat for agricultural, residential, and commercial purposes. This proposal, if made final, would implement the protection and recovery provisions of the Act for the two lizards. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by March 23, 1987. Public hearing requests must be received by March 9, 1987.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Endangered

Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

David J. Wesley, Endangered Species Field Supervisor, at the above address (904/791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:

Background

The sand skink (*Neoseps reynoldsi*) was described by Stejneger (1910). He established a new genus for this unique lizard, which is adapted to a fossorial (underground) existence. The sand skink is the only North American skink completely specialized for "swimming" through loose sandy soils. The sand skink measures 10-13 centimeters (4-5 inches) in total length and is gray to tan in color. The forelegs are tiny and bear only one toe; the hind legs are small and have two toes. The tail comprises about half the animal's total length. The sand skink has a wedge-shaped head, a partially countersunk lower jaw, body grooves into which the forelegs can be folded, and small eyes which have transparent windows in the lower lids. These features enable the sand skink to "swim" beneath the surface of loose sand. This lizard is known only from the high sandy ridges of Lake, Marion, Orange, Polk, and Highlands Counties, Florida.

The sand skink has been studied by Cooper (1953), Telford (1959, 1962), Myers and Telford (1965), Campbell and Christman (1982), and Smith (1982). Areas occupied by the lizards are primarily vegetated with the sand pine (*Pinus clausa*)-rosemary (*Ceratiola ericoides*) scrub or the longleaf pine (*Pinus palustris*)-turkey oak (*Quercus laevis*) association. The sand skink spends most of its time beneath the soil surface, burrowing to a depth of 5-10 centimeters (2-4 inches), and it feeds on a variety of small arthropods, principally beetle larvae, termites, spiders, and larval antlions. The species appears to be most active from March to May. Mating occurs during this period, and females deposit two elongate eggs, probably under logs or other cover, in early summer. The female remains with the eggs and probably protects or cares for them (broods).

Sand skinks are host to three endemic endoparasites, including two flagellate protozoans, *Monocercomonas neosepsorum* and *Rigidomastix scincorum* and an undescribed species